

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On Its Own Motion)	
)	
-vs-)	ICC Docket No. 09-0313
)	
Bullseye Telecom, Inc.)	
Investigation into whether Intrastate)	
Access Charges of Bullseye Telecom,)	
Inc. are just and reasonable.)	

STAFF OF THE ILLINOIS COMMERCE COMMISSION'S
MOTION TO STAY PROCEEDING

NOW COMES the Staff of the Illinois Commerce Commission, (hereafter "Staff") through its undersigned counsel, and, pursuant to Section 200.190 of the Rules of Practice before the Illinois Commerce Commission, 83 Ill. Adm. Code 200.190, hereby moves to stay proceeding pending potential action by the Illinois General Assembly upon the subject matter of this proceeding, and in support thereof, states as follows:

1. On June 26, 2009, the Staff submitted a Report to the Commission, recommending that the Commission initiate an investigation of whether BullsEye Telecom, Inc.'s (hereafter "BullsEye's") intrastate interexchange access rates were and are just and reasonable. See, *generally*, Staff Report. The Commission initiated such an investigation, the above captioned proceeding. See, *generally*, Initiating Order.

2. Since that date, testimony has been submitted by the parties hereto, and hearings held and evidence otherwise adduced. See, *generally*, Tr. at 29-326.

3. On or about May 6, 2010, the Illinois General Assembly unanimously passed a bill that will, if enacted into law, provide, inter alia, that telecommunications carriers providing intrastate access services must reduce their intrastate access rates to

the level of their interstate access rates by a date not later than June 30, 2013. See SB 107, adding new Sections 13-506.2 and 13-900.2.

4. More specifically, carriers not electing market regulation will be required to reduce their interstate access rates to a level that mirror their interstate access rates by July 1, 2012. SB 107, Section 13-900.2(b)(3) (as proposed). Carriers electing market regulation will be required to reduce their interstate access rates to a level that mirror their interstate access rates by June 30, 2013. SB 107, Section 13-506.2(g)(1) (as proposed). Thereafter, all carriers will be required to maintain their access charges at those levels

5. Enactment of SB 107 would resolve by operation of law the Commission's stated goals in this proceeding, specifically, the determination of whether carrier intrastate access rates are indeed just and reasonable.

6. This being the case, administrative economy dictates that the existing schedule be stayed until the Governor acts, or declines to act, on SB 107. Accordingly, the Staff respectfully requests that the matter be stayed pending Gubernatorial action or inaction upon SB 107; that the existing schedule be suspended; and that the Administrative Law Judge set a 90-day status date.

7. There is no statutory or regulatory requirement that this proceeding be completed by a date certain. This motion is not made for purposes of delay and will not prejudice any party hereto.

WHEREFORE, the Staff of the Illinois Commerce Commission respectfully requests that its recommendations be adopted in their entirety consistent with the arguments set forth herein.

Respectfully submitted,

/s/ _____
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